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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VELDA BARTEK, KATHRYN H. BRITTON,
SAMAR CHOUDHARY, JOHN R. HIND, and
SHIKHA SRIVASTAVA

Appeal 2009-008535
Application 10/754,375¹
Technology Center 2100

Before JOSEPH L. DIXON, JAY P. LUCAS, and JAMES R. HUGHES,
Administrative Patent Judges.

HUGHES, *Administrative Patent Judge.*

DECISION ON APPEAL²

¹ Application filed January 9, 2004. The real party in interest is IBM Corp. (App. Br. 1.). This Appeal is related to Appeal No. 2009-001746.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants appeal from the Examiner's rejection of claims 1-16 under authority of 35 U.S.C. § 134(a). The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

The invention at issue on appeal relates to an application help system, apparatus, and method for providing (rendering) composite help content (views) for an aggregation of separate applications, units, and/or views. (Spec. 4, ¶ [0009].)³

Representative Claim

Independent claim 1 further illustrates the invention. It read as follows:

1. A method for producing a composite help view for an aggregation of applications, the method comprising the steps of:

obtaining at least two separate help documents, each of said at least two separate help documents having an association with a corresponding one of separate interface units aggregated together into a single aggregated view;

combining said at least two separate help documents into a composition of help documents corresponding to said single aggregated view; and,

rendering said composition of help documents in a help system view responsive to a request for help initiated in said single aggregated view.

³ We refer to Appellants' Specification ("Spec."); Appeal Brief ("App. Br.") filed July 21, 2008; and Reply Brief ("Reply Br.") filed December 15, 2008. We also refer to the Examiner's Answer ("Ans.") mailed October 15, 2008.

References

The Examiner relies on the following references as evidence of unpatentability:

Hickman	US 5,361,361	Nov. 1, 1994
Palaniappan	US 2002/0054152 A1	May 9, 2002
Lillie	US 2005/0065913 A1	Mar. 24, 2005 (filed Sep. 22, 2003)

Rejections on Appeal

The Examiner rejects claims 1-3, 5, 7, 11-13, and 15 under 35 U.S.C. § 102(b) as being anticipated by Hickman.

The Examiner rejects claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hickman and Palaniappan.

The Examiner rejects claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hickman and Lillie.

The Examiner rejects claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hickman and Official Notice.

ISSUE

Based on our review of the administrative record, Appellants' contentions, and the Examiner's findings and conclusions, the pivotal issue before us is as follows:

Does the Examiner err in finding the Hickman reference discloses combining at least two separate help documents into a composition help document corresponding to a single aggregated view?

FINDINGS OF FACT (FF)

Hickman Reference

1. Hickman describes a hierarchical integrated help utility that integrates help information across multiple independent applications. The help utility integrates and displays in a single window the help directory information (help file directories) and related descriptors of each application installed on a computer system. (Col. 1, l. 50 to col. 2, l. 7; col. 4, ll. 20-61; col. 5, l. 49 to col. 6, l. 36; Figs. 3, 4A, 4B, 5.)

2. Hickman does not describe combining two or more separate help documents into a composite help document. Rather, Hickman describes its help utility integrating and displaying help directory information for separate applications. The utility then accesses the individual help file information (documents) utilizing the integrated directory information, and displays the help information in the help utility window. (Col. 4, ll. 20-61; col. 6, ll. 37-66; Figs. 3, 4A, 4B, 5.)

ANALYSIS

Appellants have the opportunity on appeal to the Board of Patent Appeals and Interferences (BPAI) to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (citing *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). The Examiner sets forth a detailed explanation of a reasoned conclusion of anticipation in the Examiner's Answer with respect to Appellants' independent claim 1 (Ans. 4, 12-14), independent claim 7 (Ans. 6, 15-16), and dependent claims 3 and 13 (Ans. 5, 8, 14-15). The Examiner also sets forth a detailed explanation of a reasoned conclusion of obviousness in the Examiner's Answer with respect

to dependent claims 4 and 14 (Ans. 9-10, 16), 8-10 (Ans. 10-11, 16), and 6 and 16 (Ans. 11-12, 16). Therefore, we look to the Appellants' Briefs to show error in the proffered reasoned conclusions. *See Kahn*, 441 F.3d at 985-86.

*Arguments Concerning the Examiner's Rejection of
Claims 1-3, 5, 7, 11-13, and 15 under 35 U.S.C. § 102(b)*

The Examiner rejects Appellants' claim 1 for being anticipated by the Hickman reference. (Ans. 4, 12-14.) Appellants contend, *inter alia*, that Hickman does not disclose a composition of help documents combined from at least two separate help documents into an aggregated view (App. Br. 7-10) – “the Examiner has failed to establish that [Hickman's] ‘Bookcase Help’ has been aggregated together with ‘application 1’ and ‘application 2’ as part of the single aggregated view” (App. Br. 10). The Examiner finds that Hickman discloses a composition help document combined from at least two separate help documents into an aggregated view. (Ans. 4, 12-14.)

Based on the record before us, we find error in the Examiner's anticipation rejection of Appellants' claim 1. We agree with Appellants that the Hickman reference does not disclose the disputed feature of “combining said at least two separate help documents into a composition of help documents corresponding to said single aggregated view” for essentially the reasons espoused by Appellants.

As detailed in the Findings of Fact section *supra*, Hickman describes a help utility integrating and displaying help directory information for separate applications in a single help utility window. On user initiation, the utility accesses each applications' individual help file information (documents) and

displays the information in the help utility window. (FF 1-2.) Hickman does not even mention composite help documents.

Consequently, we find the Hickman reference fails to disclose combining at least two separate help documents into a composition help document corresponding to a single aggregated view. We, therefore, are constrained by the record before us to find that Hickman does not disclose at least the disputed feature of “combining said at least two separate help documents into a composition of help documents corresponding to said single aggregated view.” The Examiner has failed to set forth a *prima facie* anticipation rejection. It follows that Appellants have persuaded us to find error in the Examiner’s anticipation rejection of Appellants’ independent claim 1.

Appellants’ independent claim 11 includes limitations commensurate in scope to claim 1. Appellants’ independent claim 7 includes a limitation similar in scope to the disputed limitation of claim 1 – “an application aggregator configured to aggregate individual interface units into a single aggregated view . . . each of said at least two help documents corresponding to one of said individual interface units” (*see* Br. 19, Claim App’x., claim 7). It follows, for the reasons discussed *supra*, that the Hickman reference also does not anticipate Appellants’ independent claims 7 and 11. Appellants’ dependent claims 2, 3, and 5 (dependent on claim 1), and dependent claims 12, 13, and 15 (dependent on claim 11) depend on their respective base independent claims. Therefore, based on the record before us, we find that the Examiner erred in finding the Hickman reference discloses each limitation recited in Appellants’ claims 1-3, 5, 7, 11-13, and 15.

Accordingly, we reverse the Examiner's anticipation rejection of these claims.

Rejection of Claims 4, 6, 8-10, 14, and 16 under § 103

Appellants do not separately argue the Examiner's obviousness (§ 103) rejections of dependent claims 4 and 14 (App. Br. 13), 8-10 (App. Br. 14), and 6 and 16 (App. Br. 14), instead relying on the arguments made with respect to claim 1 (*supra*). Based on the record before us, we also find error in the Examiner's obviousness rejection of Appellants' dependent claims 4, 6, 8-10, 14, and 16. As we explained with respect to claim 1 *supra*, the Hickman reference does not disclose at least one feature recited in the claims. The Examiner rejects each of claims 4, 6, 8-10, 14, and 16 as unpatentable in view of a combination including the Hickman reference. (Ans. 9-12.) None of the cited references cures the deficiencies of the Hickman reference. Accordingly, we must also reverse the Examiner's obviousness rejections of claims 4, 6, 8-10, 14, and 16.

CONCLUSIONS OF LAW

Appellants have shown that the Examiner erred in rejecting claims 1-3, 5, 7, 11-13, and 15 under 35 U.S.C. § 102(b).

Appellants have shown that the Examiner erred in rejecting claims 4, 6, 8-10, 14, and 16 under 35 U.S.C. § 103(a).

DECISION

We reverse the Examiner's rejection of claims 1-3, 5, 7, 11-13, and 15 under 35 U.S.C. § 102(b).

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Application 10/754,375

We reverse the Examiner's rejection of claims 4, 6, 8-10, 14, and 16 under 35 U.S.C. § 103(a).

REVERSED

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